arguments are not repeated, but are incorporated by reference herein.

Reconsideration of the rejected claims, in view of the following remarks, is respectfully requested.

Allowed Claims

Applicant thanks the Examiner for acknowledging that claim 25 is allowed. However, Applicant wishes to call the Examiner's attention to a typographical error on the Office Action, at page four, paragraph 4, in which it states that "Claim 26 is allowed." Applicant believes that this refers instead to claim 25 being allowed and requests the Examiner to confirm the same.

Objections to Claims

Claim 10 was objected to as being dependent upon a rejected base claim, which is claim 1, but the Eaminer indicated claim 10 was would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since Applicant asserts that claim 1 is patentably distinct and in condition for allowance, Applicant respectfully requests that the rejections of claim 10 be withdrawn and that the Examiner pass that claim to allowance.

§ 102(b) Rejections

Claims 1-9, 11, 13, 15-17, 19-20 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett, U.S. Patent No. 6,288,315 (issued September 11, 2001). Applicant respectfully traverses these rejections and submits that these claims are novel and patentably distinct from the prior art reference and therefore should be allowed.

The present invention provides a tool for learning the finger patterns of various stringed instruments. In particular, the present invention provides a set of templates attached to a baseboard to simulate the fingerboard of a stringed instrument. Each note on the baseboard is positioned in the same relative position as it would appear on the fingerboard of the stringed instrument being studied. This allows the teaching of comprehensive finger patterns corresponding to sets of specific notes that correlate with specific scales (keys) — in every key and finger position for various stringed

instruments. In this context, a "finger pattern" is understood to be a group of notes across the fingerboard of the stringed instrument, either in a major or a minor scale (key), that corresponds to one particular and position. As the hand position shifts, the finger pattern changes accordingly. As such, each shifting of the hand position and of the types of scales (keys) determines the outcome of each finger pattern in each type of stringed instrument. This phenomenon is unique to the stringed instruments because many notes repeat themselves on various places on the strings, and theoretically there are hundreds of finger patterns. That is, each finger pattern can have multiple uses under different combinations of musical keys and positions. Therefore, by arranging the plurality of templates in a predetermined fashion, the present tool facilitates learning of the systematic finger patterns associated with multi-stringed instruments by helping the student visualize the necessary finger patterns for a given key and by teaching an understanding of the repetitive nature of finger patterns as different keys are played.

To reject a claim under 35 U.S.C. § 102, the Examiner must identify a single reference that discloses, either explicitly or implicitly, all of the features of the claimed invention. To this end, the Examiner asserted that the Bennett reference shows all of the features of claims 1-9, 11, 13, 15-17, 19-20 and 26. Applicant respectfully traverses these rejections and asserts that the Examiner's reliance on Bennett in this case is misplaced.

In stating the rejections, at page 3 of the Office Action, the Examiner has evidently misunderstood the teachings of Bennett and has failed to establish that Bennett teaches all of the elements of the present invention. Bennett, in stark contrast to the present invention, does not teach the comprehensive concept of finger patterns for stringed instruments. Instead, Bennett merely discloses a device for displaying all of the notes in the diatonic scales or chords, but it does not teach specific finger patterns for stringed instruments that involve position shifting and changing of scale (key) based on the configuration of each stringed instrument. That is, Bennett's invention is devised for learning scales and chords in various keys, but Bennett does not teach the complex

finger patterns inherent in learning to play any of the stringed instruments.

A close analysis of Bennett reveals its weaknesses as a prior art reference in that Bennett merely provides an apparatus for identifying combinations of musical notes, such as scales and chords. (See Bennett, col. 1, lines 14-15; abstract, lines 1-2; col. 6, lines 24-25.) Bennett does not, however, contemplate or disclose the teaching of finger patterns that are required for learning to play stringed instruments.

In stating the rejection of independent claim 1, the Examiner cited Bennett at column 8, lines 50-55 and Tables 1-9. However, these portions of Bennett merely explain a scheme for color-coding by assigning two colors to each chromatic note in keyboards or stringed instruments. In fact, Bennett is not a prior art reference against the present invention because it does not teach the use of color-coding for learning the intricate finger patterns for stringed instruments. Nothing in Bennett teaches finger patterns for stringed instruments because Bennett does not disclose the correspondence between the hand positions of the user and the cyclic nature of the finger patterns. Specifically, Bennett does not teach that each of the chromatic notes is located in the same relative position, as it would appear on the fingerboard of a stringed instrument. Instead, Bennett merely assigns a color code to the various notes for purposes of allowing the user to identify combinations of scales and chords.

Rejections of dependent claims 2-9 are equally misplaced since those claims depend from independent claim 1 that is distinguishable from the applied prior art reference as stated above.

Similarly, as to independent claim 11, the Examiner's reliance on Bennett is misplaced. The Examiner cites to Table 6 of Bennett as support for the assertion that Bennett discloses the use of a diatonic scale. (See Office Action, at page 3). However, Table 6 of Bennett merely reflects a simple one-note-one-color scheme to represent the diatonic scale, but it does not teach the use of such a scheme to teach the finger patterns associated with stringed instruments as claimed in the present invention. In other words, Bennett merely describes a device to display all of the notes in

diatonic scales or chords by assigning each a different color. This may be useful for displaying the structure of a scale or chord in various keys, but it does not in any way teach or suggest the learning of the various finger patterns associated with each stringed instrument.

Rejections of dependent claims 13, 15-17, 19-20 and 26 are equally misplaced since those claims depend from independent claim 11 that is distinguishable from the applied prior art reference as stated above.

Based on the arguments presented herein, Applicant respectfully requests that all the outstanding rejections and objections over claims 1-9, 11, 13, 15-17, 19-20 and 26 be withdrawn and that the Examiner pass those claims to allowance.

Conclusion

All of the stated grounds of objection and rejection have now been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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